

**Remarks/Arguments**

This paper is submitted responsive to the Office Action mailed February 16, 2007. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner made final a restriction requirement which results in claims 4, 13, 16-23, 28, 30-36 and 39-40 being withdrawn from consideration.

The application therefore remains with two independent claims, 1 and 25, which have been rejected as anticipated or obviated by each of Wessel et al. and Menjak et al., and also have been rejected as obvious over Asukabe et al. in view of Wessel et al.

Claims 1 and 25 have been amended to recite the preferred embodiment of the present invention wherein the peroxide decomposition layer is positioned either between the membrane and the anode, or between the membrane and the cathode, or both. Further, these claims also now call for the layer to have a porosity of less than or equal to 20%, and to have a porosity which is less than the anode and the cathode. These limitations resulted in allowance of a related application by Applicant, namely application number 10/235,074 filed September 4, 2002, now US Patent 7,112,386. The '386 patent was granted in connection with apparatus claims and the present application is directed to method claims for preparation of the subject membrane electrode assemblies.

Thus, it is submitted that none of the art of record discloses or suggests the specific claimed structure of claims 1 and 25, and therefore that these claims are in condition for allowance. In this regard, it is noted that certain Declarations with data were submitted in the aforesaid '386 patent, and these Declarations and data are equally applicable in the present application. These

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Declarations established that the layer of the present invention is different from the adjacent anode or cathode, and that the presence of the layer of the present invention substantially reduced harmful degradation of the membrane as compared to membrane electrode assemblies without the protective layer of the present invention.

Should the Examiner deem it helpful, these Declarations can be made of record in the present application as well.

Dependent claim 15 has been cancelled without prejudice. This dependent claim specified the porosity of the layer of the present invention, and this subject matter has been incorporated into claim 1. Claim 15 had been rejected as obvious based upon a combination of Wessel et al./Asukabe in view of Wessel et al./Menjak et al. Wessel et al. was said to supply the porosity which was lacking in the primary references. It is submitted, however, that Wessel et al. does not teach the invention as currently claimed. Specifically, Wessel et al. does not teach or suggest a layer between the anode and membrane or between the cathode and membrane, wherein the layer has porosity which is less than 20% and less than the anode and cathode.

Dependent claims 2-14, 16-24 and 26-40 all depend directly or indirectly from independent claims 1 and 25 and are submitted to be allowable based upon this dependency and also in their own right. Some of these claims have been withdrawn from consideration as indicated above. However, it is submitted that a claim which is generic to all dependent claims is in condition for allowance and, therefore, that the withdrawn claims can be returned to this application and allowed.

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Based upon the foregoing, it is submitted that the claims as amended are in condition for allowance. Early and favorable action are respectfully solicited.

It is believed that no fee is due in connection with this paper. If any additional fee is due, please charge same to deposit account 02-0184.

Respectfully submitted,

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